

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
ALICIA FRANCIS,

Plaintiff,

– against –

NAVY FEDERAL CREDIT UNION,

Defendant.
----- X

X

:

:

: **MEMORANDUM DECISION AND
ORDER**

:

: 24-CV-5811 (AMD) (TAM)

:

:

:

ANN M. DONNELLY, United States District Judge:

On July 31, 2024, the *pro se* plaintiff sued the defendant, a federal credit union, in the New York Supreme Court, Queens County, alleging that the defendant violated her Fourteenth Amendment right to due process when it repossessed her car without prior notice or an opportunity for a hearing. (ECF No. 1-1.) On January 6, 2025, the Court dismissed the complaint with leave to amend within 45 days of the order, meaning that the plaintiff had until February 20, 2025 to file an amended complaint. (ECF No. 13.) The Court advised the plaintiff that if she did not file an amended complaint within the required time or otherwise establish good cause for the delay, the Court would dismiss the complaint with prejudice. (*Id.* at 5.) To date, the plaintiff has not filed an amended complaint or an extension request, and the time for doing so has passed.

Accordingly, the action is dismissed with prejudice. *See Toliver v. Adner*, 836 F. App'x 68, 70 (2d Cir. 2020) (affirming lower court decision to dismiss the *pro se* plaintiff's First Amendment claims with prejudice because the plaintiff did not file an amended complaint with the allotted time).

The Clerk of Court is respectfully directed to enter judgment, close the case, mail a copy of this Order to the plaintiff and note the mailing on the docket. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
March 11, 2025